

United States District Court
WESTERN DISTRICT OF TENNESSEE
Eastern Division

UNITED STATES OF AMERICA

JUDGMENT IN A CIVIL CASE

v.

RICHARD PINKLEY

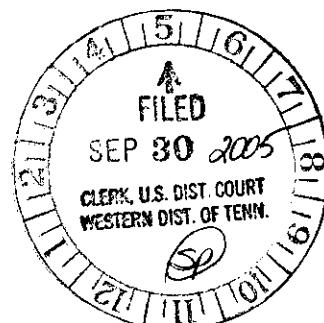
CASE NUMBER: 03-1069-T/An

Decision by Court. This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that in compliance with the order entered in the above-styled matter on 09/26/05, Petitioner's motion to amend his motion to vacate to seek retroactive application of Blakely or Booker is DENIED. Petitioner's motion under 28 U.S.C. § 2255 is DENIED. It is further CERTIFIED that, pursuant to Fed. R. App. P. 24(a), any appeal by plaintiff is not taken in good faith and plaintiff may not proceed on appeal *in forma pauperis*. If Petitioner files a notice of appeal he must pay the full \$255 appellate filing fee or file a motion to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals within thirty (30) days.

APPROVED:

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE



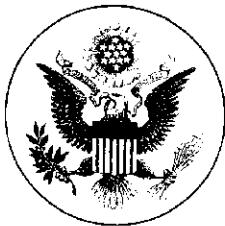
THOMAS M. GOULD
CLERK

DATE 9/30/05 BY: Stittor
DEPUTY CLERK

This document entered on the docket sheet in compliance

with Rule 58 and/or 79(a) FRCP on 10-03-05.

(18)



Notice of Distribution

This notice confirms a copy of the document docketed as number 18 in case 1:03-CV-01069 was distributed by fax, mail, or direct printing on October 3, 2005 to the parties listed.

Richard Pinkley
FMC
16962-076
PMB 4000
Rochester, MN 55903--400

Honorable James Todd
US DISTRICT COURT